

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

FRIENDS OF THE FLORIDAS; NEW MEXICO
WILDERNESS ALLIANCE; WILDEARTH
GUARDIANS; GILA RESOURCES
INFORMATION PROJECT; AMIGOS BRAVOS;

Plaintiffs,

VS.

UNITED STATES BUREAU OF LAND
MANAGEMENT; WILLIAM CHILDRESS,
in his official capacity as District Manager of the
BLM Las Cruces District Office;
DAVID WALLACE, in his official capacity as
Assistant District Manager of the BLM Las Cruces
District Office;

Defendants.

Case No.: 2:20-cv-00924-JB-GBW

UNOPPOSED MOTION FOR STAY OF ALL PROCEEDINGS

Federal Defendants Bureau of Land Management (“BLM”) et al., move this Court to enter an order staying the proceedings in this matter. Counsel for BLM has discussed this Motion with counsel for Plaintiffs and Plaintiffs have stated that they do not oppose this Motion.

In support of this Motion, BLM states the following:

1. This matter is before the Court on Plaintiffs’, Friends of the Floridas, et al. (“FOTF”)’s, Petition for Review of Agency Action (ECF No. 1), in which FOTF seeks declaratory and injunctive relief regarding Federal Defendants’ issuance of the American Magnesium (“AM”) Foothill Dolomite Mine Project (“Project”) Decision Record (“Decision”) relating to a proposed mining project near Deming, New Mexico. Federal Defendants filed

their Response on November 16, 2020 (ECF No. 9).

2. Defendant William Childress, District Manager of BLM's Las Cruces District, issued the Decision on August 7, 2020. The Decision was based on BLM's Environmental Assessment ("EA") issued by the Las Cruces District on July 31, 2020. The Decision also relied on BLM's "Finding of No Significant Impact" ("FONSI") issued on July 31, 2020 by the Assistant District Manager of the Las Cruces District, Defendant David Wallace. FOTF challenge these BLM actions and decisions. AM has yet to begin any activities at the site, as BLM has yet to approve AM's Mining Plan of Operations and accept the reclamation financial guarantee (also known as the reclamation "bond") to cover AM's operations.

3. During recent discussions between the Parties regarding the management of this case, BLM informed FOTF that BLM intends to withdraw the challenged Decision and issue a new Decision Record for the Project in 2021. Accordingly, BLM believes that preparation of the administrative record, any challenges to that record, future briefing on the merits, and other litigation activities would not be an efficient use of resources and would not be in the parties', or this Court's, best interests.

4. BLM states that AM is not authorized to conduct any surface-disturbing activities on the Project site until AM's Mining Plan of Operations is approved as part of the new Decision Record and BLM accepts AM's financial guarantee. BLM will communicate the required amount of financial guarantee in the new Decision Record.

5. The stay will expire upon issuance of the new Decision Record, or in 120 days from the date of this Motion, whichever occurs first. If the new Decision Record is not issued within 120 days, BLM will file a status report with the Court explaining the delay and may request an extension of the stay. Plaintiffs have stated that they reserve the right to oppose any

further request to stay the case.

6. Federal Defendants agree that FOTF may file an Amended Petition to challenge the new Decision Record and related BLM actions/decisions within 30 days after the expiration of the stay. BLM agrees to notify FOTF's counsel within three business days of the issuance of the new Decision Record, and provide the new Decision Record to FOTF's counsel within three business days. BLM also agrees to notify FOTF's counsel within three business days once BLM has received and accepted AM's financial guarantee. Upon issuance of the new Decision Record and filing of the Amended Petition, FOTF reserves the right to file any motion for Temporary Restraining Order or Preliminary Injunction to block ground disturbance at the site pending this Court's review of the case on the merits.

For the foregoing reasons, the Federal Defendants request that the Court enter an Order staying all proceedings in this matter until issuance of the new Decision Record, or for 120 days from the date of this Motion, whichever occurs first.

Respectfully submitted this eight day of January, 2021

/s/ Leilani Doktor

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2021 I electronically filed and served the foregoing document with the Clerk of the Court for the United States District Court for the District of New Mexico using the CM/ECF system.

/s/ Leilani Doktor
Attorney for Federal Defendants